

EXHIBIT 1

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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

DUSTIN PORTER, *et al.*,

Plaintiffs,

v.

DAGGETT COUNTY, *et al.*,

Defendants.

Consolidated Case Nos. 2:18-cv-00389, 2:18-cv-0422, & 2:19-CV-00188

DECLARATION OF JASON M. GROTH

Judge David Barlow

Magistrate Judge Daphne A. Oberg

I, Jason M. Groth, declare that I am over the age of 21, that I am qualified and have personal knowledge of the following, and am competent to testify to the following if called upon to do so:

1. I graduated from the University of Iowa College of Law in 2014 with the Willard L. Boyd Public Service Distinction with Highest Honors. Thereafter, I practiced law in Colorado from 2014-2017 at the Colorado State Public Defender Office representing clients in juvenile and adult misdemeanor and felony cases. I then practiced law in Utah at the ACLU of Utah from 2018-2022 representing clients in complex civil rights litigation. I continued to practice law in Utah at the Salt Lake Legal Defender Association from 2023-2024 representing clients in serious felony cases, then at the Indigent Appellate Defense Division in 2024 representing clients

in post-conviction relief matters until I started my current role in October 2024. Over the course of my legal career, I have represented clients in jury trials, on appeal, in settlement negotiations, and submitted amicus briefs in state and federal court. I am currently the Legal Director at the ACLU of Utah. I am a member of the Bar of this Court, the Colorado State Bar, the Utah State Bar, and the Tenth Circuit Bar.

2. I am one of the attorneys for Plaintiffs Joshua Asay, Dustin Porter, and Steven Drollette in this action. I submit this Affidavit in further support of our motion for an award of attorney fees, expenses and costs in this case.

3. **Exhibits Supporting Fees and Costs.** Attached hereto as Exhibit “2” is detailed contemporaneous time records, which reflect the hours spent by myself, other attorneys at the ACLU of Utah, and paralegals performing specific tasks in this case. Attached hereto as Exhibit “3” is a listing of the reasonable expenses incurred representing plaintiffs in this case not previously sought in Prevailing Plaintiffs’ Bill of Costs that are of the kind that would typically be billed to a private client in addition to the attorneys’ hourly rate. Attached hereto as Exhibit “4” is a declaration from Mr. Mejia for 2.2 hours of billed in this case following Mr. Mejia’s departure from the ACLU of Utah. The legal justification for these fees and expenses is supported by Plaintiff’s Motion for Attorney Fees and Costs.

4. **Fees and Costs Totals.** Based upon this Affidavit and the accompanying Motion for Attorney Fees and Costs, Plaintiffs respectfully request an amount of \$767,175.00 in attorneys and paralegal fees, and the amount of \$53,635.25 in expenses, through the date of this Affidavit.

5. **Time Kept Contemporaneously and Accurately:** I affirm that I spent all of the time documented in the records provided herein, and that those records were kept accurately and contemporaneously. Also, I know that my attorney colleagues, John Mejia, Valentina De Fex,

Sara Wolovick, Abigail Cook, and Thomas Ford have also always kept their time records accurately and contemporaneously. Each of those attorneys worked either under my supervision or under the supervision of John Mejia, the previous Legal Director at the ACLU of Utah, on this matter and we ensured that each attorney kept proper time entries. The paralegals who worked on this case, Margaret Nash and Megan Peterson, also kept their time records accurately and contemporaneously.

6. **Groth Hourly Rates**: I have billed time that I spent on this case at \$200 per hour. At the time of the billing, this rate was the prevailing rate for someone with my experience and expertise. These rates are reasonable given the nature of the case. I spent 115.4 hours at \$200 per hour on this matter from March 2021 to November 2022, for a total time value of \$22,930.

7. **Mejia Rates and Hours**. Mr. Mejia billed all time spent on this case at \$500 per hour. This rate is the prevailing rate for someone with his experience and expertise. This rate is reasonable given the nature of the case. Mr. Mejia graduated from the University of Chicago Law School with honors in 2003. Thereafter, he practiced law in Illinois for about four years at the law firm of Sidley Austin LLP. He then served as a Law Clerk from 2008-2011 to Judge Tena Campbell and Judge Clark Waddoups. From January 2012 to September 30, 2024, Mr. Mejia served as the Legal Director of the ACLU of Utah. He is currently an attorney at the firm of Christensen & Jensen. He is a member of the Bar of this Court, the Utah State Bar and the Tenth Circuit Bar. Mr. Mejia spent 979.3 hours at \$500 per hour on this matter from May 2017 to present, for a total time value of \$489,650.

8. **De Fex Rates and Hours**. Ms. De Fex billed time spent on this case at \$200 per hour. At the time of the billing, this rate was the prevailing rate for someone with Ms. De Fex's experience and expertise. Ms. De Fex also billed time on this case at \$350 that reflects her increased experience and knowledge as an attorney since the previous billing entries. These rates

are reasonable given the nature of the case. This rate is the prevailing rate for someone with her experience and expertise at the time of billing. Ms. De Fex graduated from Boston College Law in 2018. She was admitted to the Oregon State Bar in 2018 and practiced law as an immigration attorney at Innovation Law Lab in Portland, Oregon from 2018 until 2020. She was admitted to the Utah State Bar in 2021. She is also admitted before the District of Oregon, District of Utah, Ninth and Tenth Circuit Court of Appeals. Ms. De Fex worked at the ACLU of Utah from April 2020 to September 2023 and became a Senior Staff Attorney in 2022. Ms. De Fex spent 8.6 hours at \$200 per hour on this from March 2021 to July 2023, for a total time value of \$1,720. Ms. De Fex spent 59.8 hours at \$350 per hour on this from July 2023 to August 2023, for a total time value of \$20,930.

9. **Wolovick Rates and Hours.** Ms. Wolovick billed all time spent on this case at \$225 per hour. This rate is the prevailing rate for someone with her experience and expertise. This rate is reasonable given the nature of the case. Ms. Wolovick graduated from Georgetown Law in 2019 and was an Equal Justice Works Fellow at the ACLU of Utah from 2019 to 2021. Ms. Wolovick spent 111.5 hours at \$225 per hour on this case from November 2019 to September 2021, for a total time value of \$25,087.50.

10. **Cook Rates and Hours.** From date, Ms. Cook's rate was \$250 per hour. This rate is the prevailing rate for someone with her experience and expertise. This rate is reasonable given the nature of the case. Ms. Cook graduated from Rutgers Law School in 2020 and was admitted to the New Jersey bar in 2021. She served as a judicial law clerk to Justice Faustino Fernandez-Vina on the Supreme Court of New Jersey from 2020 to 2021 and then Honorable Judge Christine P. O'Hearn, District Court Judge, in the District Court of the United States, District of New Jersey, from 2021 to 2023. Between 2020 and 2022 she also served as an adjunct professor at Rutgers Law School. Since June 2023, Ms. Cook has worked as a staff attorney

for the ACLU of Utah. Ms. Cook is a member of the Utah State bar and New Jersey State bar where she remains in good standing. Ms. Cook spent 394.2 hours at \$250 an hour on this case from June 2023 to present, for a total time value of \$98,550.

11. **Ford Rates and Hours.** From date, Mr. Ford's rates have been \$250 per hour. This rate is the prevailing rate for someone with Mr. Ford's experience and expertise. This rate is reasonable given the nature of the case. Mr. Ford graduated from the University of Denver Sturm College of Law in 2021. He is admitted to the Utah State Bar and the Alaska State Bar. Prior to joining the ACLU of Utah in January 2024, Mr. Ford worked as an Assistant Public Defender at the Alaska Public Defender Agency in Fairbanks, Alaska. Mr. Ford has significant experience representing clients in complex civil rights litigation in federal court, jury trials, and in settlement negotiations. Mr. Ford spent 301.7 hours at \$250 per hour on this case from January 2024 to present, for a total time value of \$75,425.

12. **Nash Rate and Hours.** Ms. Nash worked at the ACLU of Utah from 2014 to 2021. A reasonable and customary hourly rate for paralegals in this community is \$150 per hour. Ms. Nash spent 78.6 hours at \$150 per hour on this case through June 2021 for a total time value of \$10,218.

13. **Peterson Rate and Hours.** Ms. Peterson worked at the ACLU from 2021 to 2024. A reasonable and customary hourly rate for paralegals in this community is \$150 per hour. Ms. Peterson spent 278.7 hours at \$150 per hour on this case through July 2024 for a total time value of \$30,657.

14. **Costs.** In addition, our firm incurred \$53,635.25 in expenses that were not included in the Bill of Costs filed by Prevailing Plaintiffs in this case that were necessary to the litigation and would usually be charged to private clients.

I declare under criminal penalty of the State of Utah that the foregoing is true and

correct to the best of my knowledge.

DATED this 10th day of March, 2025



Jason M. Groth, Esq.
ACLU OF UTAH FOUNDATION, INC